

112TH CONGRESS
2D SESSION

H. R. 4238

To amend the Public Health Service Act to reauthorize certain programs for individuals with traumatic brain injury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2012

Mr. PASCRELL (for himself and Mr. PLATTS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to reauthorize certain programs for individuals with traumatic brain injury, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Traumatic Brain In-
5 jury Act of 2012” or the “TBI Act of 2012”.

6 **SEC. 2. TRAUMATIC BRAIN INJURY ACT REAUTHORIZA-**
7 **TION.**

8 (a) PREVENTION AND CONTROL OF INJURIES.—

1 (1) PREVENTION OF TRAUMATIC BRAIN IN-
2 JURY.—Section 393B of the Public Health Service
3 Act (42 U.S.C. 280b–1c) is amended—

4 (A) in the heading, by striking “**PREVEN-**
5 **TION OF TRAUMATIC BRAIN INJURY**” and
6 inserting “**PREVENTING, RECOGNIZING,**
7 **AND RESPONDING TO TRAUMATIC BRAIN**
8 **INJURY**”;

9 (B) in subsection (a), by striking “to re-
10 duce the incidence of” and inserting “that help
11 prevent, recognize, and respond to”;

12 (C) in subsection (b)(1), by striking “for
13 the prevention of” and inserting “preventing,
14 recognizing, and responding to”; and

15 (D) in subsection (b)(3), by striking each
16 place it appears “2010” and inserting “2020”.

17 (2) NATIONAL PROGRAM FOR TRAUMATIC
18 BRAIN INJURY SURVEILLANCE AND REGISTRIES.—
19 Section 393C(b) of such Act (42 U.S.C. 280b–
20 1d(b)) is amended, in the first sentence—

21 (A) by striking “18 months after the date
22 of enactment of the Traumatic Brain Injury
23 Act of 2008” and inserting “3 years after the
24 date of the enactment of Traumatic Brain In-
25 jury Act of 2012”; and

1 (B) by striking “Veterans Affairs, shall
2 submit” and all that follows through the period
3 and inserting “Veterans Affairs, shall submit to
4 the relevant committees of Congress a report on
5 Federal agency collaboration, including collabo-
6 ration within the Department of Health and
7 Human Service, with respect to collecting and
8 disseminating compatible epidemiological stud-
9 ies on the incidence and prevalence of individ-
10 uals with traumatic brain injury who were for-
11 mally in the military and on treatment, preven-
12 tion, and outreach provided to such individuals.
13 Such report shall include efforts to standardize
14 the clinical definition of traumatic brain injury
15 for use by all Federal agencies.”.

16 (3) STUDY ON TRAUMATIC BRAIN INJURY.—

17 Section 393C–1 of such Act (42 U.S.C. 280b–1e) is
18 amended—

19 (A) in subsection (a), in the matter pre-
20 ceding paragraph (1), by striking “and in con-
21 sultation” and all that follows through “conduct
22 a study” and inserting “and in consultation
23 with the head of each agency within the De-
24 partment of Health and Human Services (in-
25 cluding the National Institutes of Health), the

Veterans Administration, the Department of Defense, the Department of Transportation, the Department of Education, the Department of Labor, and the Department of Housing and Urban Development, and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a studies”; and

(B) in subsection (b), by striking “Traumatic Brain Injury Act of 2008” and inserting “Traumatic Brain Injury Act of 2012”.

(4) AUTHORIZATION OF APPROPRIATIONS.—

Section 394A of such Act (42 U.S.C. 280b–3) is amended by striking “\$50,000,000” and all that follows through the period at the end and inserting “such sums as may be necessary for each of the fiscal years 2013 through 2017.”.

(b) TRAUMA CARE.—

(1) STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of such Act (42 U.S.C. 300d–52) is amended—

(A) in the heading, by striking “**PROJECTS REGARDING**”;

(B) in subsection (a), by striking “for the purposes of carrying out projects”;

(C) in subsection (b)(3)—

1 (i) in subparagraph (A)(iii), by insert-
2 ing “, private,” after “public”; and

3 (ii) by adding at the end, after sub-
4 paragraph (B), the following new sentence:

5 “Such an advisory board may include State entities
6 that administer funds provided under Federal laws
7 related to individuals with disabilities, including the
8 Rehabilitation Act of 1973, the Individuals with Dis-
9 abilities Education Act, the Older Americans Act of
10 1965, and titles V and XIX of the Social Security
11 Act.”;

12 (D) in subsection (e), by striking “Trau-
13 matic Brain Injury Act of 2008” and inserting
14 “Traumatic Brain Injury Act of 2012”;

15 (E) in subsection (f)(1)(A), by inserting
16 “provide,” after “change,”;

17 (F) by amending subsection (g) to read as
18 follows:

19 “(g) COORDINATION OF ACTIVITIES.—

20 “(1) IN GENERAL.—The Secretary shall ensure
21 that activities under this section are—

22 “(A) coordinated as appropriate with other
23 Federal agencies that carry out activities re-
24 garding traumatic brain injury; and

1 “(B) are consistent with priorities and rec-
2 ommendations obtained from input from appro-
3 priate stakeholders, including consumers, State
4 and local government agencies, professionals,
5 and consumer and professional organizations.

6 “(2) NATIONAL PLAN.—The Secretary, in con-
7 sultation with individuals with traumatic brain in-
8 jury, families of such individuals, State and local
9 government agencies, other Federal agencies, appro-
10 priate professionals, and consumer and professional
11 organizations, shall, not later than the date that is
12 3 years after the date of the enactment of the Trau-
13 matic Brain Injury Act of 2012, establish and imple-
14 ment a national plan for carrying out the activities
15 under this section in collaboration with other appro-
16 priate Federal, State, and local agencies. The Sec-
17 retary shall periodically review and revise the plan as
18 appropriate.”;

19 (G) in subsection (h), by adding at the end
20 the following new sentence: “Such report shall
21 be made available to the public.”;

22 (H) in subsection (j), by striking “2001
23 through 2005” and all that follows through
24 “2009 through 2012.” and inserting “2012
25 through 2017”; and

1 (I) by adding at the end the following new
2 subsection:

3 “(k) DISTRIBUTION AND AMOUNTS OF GRANTS.—
4 For purposes of awarding grants under this section with
5 respect to a fiscal year 2013 or a subsequent fiscal year
6 the following shall apply:

7 “(1) For the period beginning with the first
8 such fiscal year for which the total amount appro-
9 priated for grants under this section is equal to at
10 least such amount that would allow for each appli-
11 cant that would otherwise qualify for a grant under
12 this section to receive such a grant in an amount of
13 at least \$100,000 and ending with the first such fis-
14 cal year described in paragraph (2), the Secretary
15 shall award a grant under this section to each such
16 applicant in equal amounts.

17 “(2) Beginning with the first such fiscal year
18 for which the total amount appropriated for grants
19 under this section is equal to at least such amount
20 that would allow for each applicant that would oth-
21 erwise qualify for a grant under this section to re-
22 ceive such a grant in an amount of at least
23 \$250,000, the Secretary shall award a grant under
24 this section to each such applicant in an amount de-
25 termined according to a formula specified by the

1 Secretary that is based on the population of the ap-
2 plicant, with applicants with larger populations re-
3 ceiving grants of proportionately greater amounts
4 than applicants with smaller populations.”.

5 (2) STATE GRANTS FOR PROTECTION AND AD-
6 VOCACY SERVICES.—Section 1253 of such Act (42
7 U.S.C. 300d–53) is amended—

8 (A) subsection (d)(1), by striking “within
9 States”;

10 (B) in subsection (e)(1), by striking “a
11 protection and advocacy system within each
12 State” and inserting “each protection and advo-
13 cacy system”;

14 (C) in subsection (g), by striking “each fis-
15 cal year not later than October 1” and inserting
16 “for each fiscal year beginning on October 1”;

17 (D) in subsection (h)—

18 (i) in the heading, by inserting “TO
19 THE ADMINISTRATOR” after “ANNUAL RE-
20 PORT”; and

21 (ii) by inserting “, in accordance, to
22 the greatest extent practicable, with the
23 uniform model format created under sub-
24 section (i),” after “the Administrator”;

1 (E) by amending subsection (i) to read as
2 follows:

3 “(i) UNIFORM FORMAT FOR ANNUAL REPORTS.—
4 The Administrator of the Health Resources and Services
5 Administration and the Commissioner of the Administra-
6 tion on Developmental Disabilities shall enter into an
7 agreement to create a uniform model format for the an-
8 nual reports submitted under subsection (h).”;

9 (F) in subsection (k)—

10 (i) in the heading, by striking “AU-
11 THORITY” and inserting “RIGHTS AND AU-
12 THORITIES”;

13 (ii) by inserting “general rights and”
14 after “the same”;

15 (iii) by adding at the end the fol-
16 lowing new sentence: “Additionally, each
17 protection and advocacy system when pro-
18 viding services shall have access to medical
19 centers of the Department of Veterans Af-
20 fairs and other related treatment facilities,
21 both inpatient and outpatient, and residen-
22 tial facilities to provide training to resi-
23 dents and staff, advocate for clients, pro-
24 vide information and referrals to residents,
25 work with residents on discharge planning,

1 and monitor and investigate conditions and
2 treatment.”;

3 (G) in subsection (l), by striking each of
4 “2001” and “2009 through 2012” and insert-
5 ing “2013” and “2014 through 2017”, respec-
6 tively; and

7 (H) in subsection (m)—

8 (i) in paragraph (1), by striking “De-
9 velopmental Disabilities Assistance Bill of
10 Rights Act (42 U.S.C. 6042 et seq.)” and
11 inserting “Developmental Disabilities As-
12 sistance and Bill of Rights Act of 2000 (42
13 U.S.C. 15041 et seq.)”; and

14 (ii) in paragraph (2), by striking “De-
15 velopmental Disabilities Assistance and
16 Bill of Rights Act (42 U.S.C. 6042 et
17 seq.)” and inserting “Developmental Dis-
18 abilities Assistance and Bill of Rights Act
19 of 2000 (42 U.S.C. 15041 et seq.)”.

20 (3) INTERAGENCY PROGRAM FOR TRAUMA RE-
21 SEARCH.—Section 1261 of such Act (42 U.S.C.
22 300d–61) is amended—

23 (A) in subsection (d)(4)—

24 (i) in subparagraph (D), by striking
25 “and” at the end;

1 (ii) by redesignating subparagraph
2 (E) as subparagraph (F);

3 (iii) in subparagraph (F), as redesign-
4 nated by clause (ii), by striking “through
5 (D)” and inserting “through (E)”; and

6 (iv) by inserting after subparagraph
7 (D), the following new subparagraph:

8 “(E) the conduct of studies specific to the
9 needs of children and youth with traumatic
10 brain injury with regard to identification, diag-
11 nosis, and treatment of traumatic brain injury,
12 transition to home and community, and short-
13 term and long-term outcomes; and”; and

14 (B) in subsection (i), by striking “2012”
15 and inserting “2017”.

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